

★ MAR 10 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION  
BROOKLYN OFFICE

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RICARDO PHILLIPS,

Plaintiff,

**MEMORANDUM AND ORDER**

-against-

10-CV-5774 (KAM)

FREMONT INVESTMENT & LOAN,

Defendant.  
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**MATSUMOTO, United States District Judge:**

Plaintiff Ricardo Phillips ("plaintiff") filed this *pro se* action on December 9, 2010. He did not pay the filing fee, nor make a sufficient showing of indigency that would entitle him to proceed without the prepayment of fees. By Order dated January 3, 2011, the court directed plaintiff to either submit a completed application to proceed *in forma pauperis* or to pay the \$350 filing fee to the Clerk of Court of the Eastern District of New York within 14 days from the date of that Order. The court further directed that if plaintiff failed to submit a completed Request to Proceed *In Forma Pauperis* application or to remit the filing fee within the time allowed, the action would be dismissed without prejudice.

More than 14 days have elapsed from the issuance of the court's Order, and, to date, plaintiff has failed to respond to the court's Order. Accordingly, this matter is dismissed without prejudice. The Clerk of the Court is respectfully requested to enter judgment accordingly, to serve a copy of this Memorandum and Order on plaintiff, to note the service in the docket, and to

close the case.

**SO ORDERED.**

Dated: March 9, 2011  
Brooklyn, New York

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KIYO A. MATSUMOTO  
United States District Judge